

FILED  
Clerk  
District Court

JUL 18 2008

For The Northern Mariana Islands  
By \_\_\_\_\_

(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA, )

Civil No. 08-00<sup>31</sup>~~09~~

Respondent )

v. )

ERIC JOHN TUDELA MAFNAS, )

ORDER GRANTING MOTION  
TO WAIVE FILING FEE AND  
DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
FOR 28 U.S.C. § 2255 MOTION

Petitioner )  
\_\_\_\_\_ )

THE COURT has before it two motions from petitioner Mafnas. The first seeks waiver of the filing fee and that motion is granted. It appears from petitioner's filings that he is unable to pay the fee. The second motion seeks appointment of

1 counsel to represent petitioner in this 28 U.S.C. § 2255 proceeding and that motion is  
2 denied at this time. An initial assessment of petitioner's filings leaves the court  
3 unpersuaded that he has met his burden under 28 U.S.C. § 2255 to show that either  
4 trial or appellate counsel was ineffective; general allegations are made, but are not  
5 supported by specific facts. The court will review the trial transcript for indications  
6 that petitioner's motion has merit. If the court concludes that the transcript supports  
7 his claim of ineffective assistance of counsel it will *sua sponte* re-visit the issue of  
8 appointment of counsel  
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12 IT IS SO ORDERED.

13 DATED this 18th day of July, 2008.  
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18 ALEX R. MUNSON  
19 Judge  
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